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INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Michael A. Brown	Client:	1320.02
Fax:	(703) 872-9302	Pages:	20 including coversheet
Phone:	(703) 308-2682	Date:	November 29, 2004
Re:	USPN 09/682,353	CC:	Bailey Walsh & Co.

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Dear Examiner Brown:

In response to the non-final office action mailed on August 6, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 29, 2004 (2 pages);
- 2) Petition and Fee for Extension of Time with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 29, 2004 (2 pages);
- 3) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated November 29, 2004 (14 pages) and
- 4) Credit Card Payment Form PTO-2038 in the amount of \$152.00 (1 page).

Very respectfully,

Ronald E. Smith  
Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

NOV 29 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/682,353 Confirmation No.: 8397  
Applicant: : Richard M. Hall  
Filed: : 08/24/2001  
Art Unit : 3764  
Examiner : Michael A. Brown  
  
Docket No. : 1320.02  
Customer No. : 21901  
For : Obesity Treatment Aid

Faxed to Technology Center 3700 at (703) 872-9302  
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that an extension of term is required. A Petition and Fee for Extension of Time is attached hereto.

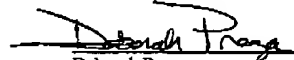
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Specification, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3764, Attn: Mr. Michael A. Brown, (703) 872-9302, on November 29, 2004.

Dated: November 29, 2004

  
Deborah Preza

(Amendment Transmittal—page 1)

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	35	Minus	34	= 1	x \$9 =	\$9
Indep.	5	Minus	3	= 2	x \$44 =	\$88
First Presentation of Multiple Dependent Claim					+ \$150 =	\$0
Total					Addit. Fee	\$97

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

An additional fee for claims is required.  
Credit Card Payment Form PTO-2038 is attached hereto.

Very respectfully,

  
SIGNATURE OF PRACTITIONER

Reg. No. 28,761  
Tel. No.: (727) 507-8558

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(Amendment Transmittal—page 2)